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16 Motors America, Inc., and Kia Motors  
17 Corporation

18 **UNITED STATES DISTRICT COURT**  
19 **CENTRAL DISTRICT OF CALIFORNIA**  
20 **WESTERN DIVISION**

21 DIAMOND COATING  
22 TECHNOLOGIES, LLC

23 Plaintiff,

24 v.

25 HYUNDAI MOTOR AMERICA,  
26 HYUNDAI MOTOR COMPANY, KIA  
27 MOTORS AMERICA INC., AND KIA  
28 MOTORS CORPORATION,

Defendants.

Case No. 8:13-CV-01480 MRP (DFMx)

**DECLARATION OF D. JAMES PAK  
IN SUPPORT OF DEFENDANTS'  
REPLY MEMORANDUM OF LAW  
IN SUPPORT OF DEFENDANTS'  
MOTION TO DISMISS FOR LACK  
OF STANDING**

Case No. 8:13-CV-01480 MRP (DFMx)

1 I, D. James Pak, declare as follows:

2 1. I am an attorney at law duly licensed to practice law in the State of  
3 California with the law firm of Baker & McKenzie LLP, counsel for Defendants  
4 Hyundai Motor America, Hyundai Motor Company, Kia Motors America Inc., and  
5 Kia Motors Corporation (collectively “Defendants”). I have personal knowledge of  
6 the matters set forth herein, and if called upon to testify, I would be competent to do  
7 so under oath.

8 2. Attached hereto as **Exhibit 39** is a true and correct copy of a December  
9 29, 2014, 10:44 AM CST email from Colin Watterson, counsel for Plaintiff Diamond  
10 Coating Technologies, sent to all counsel in *Diamond Coating Technologies, LLC. v.*  
11 *Hyundai Motor America, et al., Case No. 8-13-cv-01480 MRP (DFMx)*.

12 3. Attached hereto as **Exhibit 40** is a true and correct copy of a January 13,  
13 2015, 12:12 AM CST email from Colin Watterson, counsel for Plaintiff Diamond  
14 Coating Technologies, sent to all counsel in *Diamond Coating Technologies, LLC. v.*  
15 *Hyundai Motor America, et al., Case No. 8-13-cv-01480 MRP (DFMx)*.

16 4. Attached hereto as **Exhibit 41** is a true and correct copy of a February 9,  
17 2015, 11:58 AM CST email from Colin Watterson, counsel for Plaintiff Diamond  
18 Coating Technologies, sent to all counsel in *Diamond Coating Technologies, LLC. v.*  
19 *Hyundai Motor America, et al., Case No. 8-13-cv-01480 MRP (DFMx)*.

20 5. Defendants' Motion to Dismiss for Lack of Standing was made following  
21 a conference of counsel pursuant to L.R. 7-3 which took place on January 26-28,  
22 2015. Counsel for DCT and Defendants corresponded via e-mail on January 26-27,  
23 2015 and by telephone on January 28, 2015, regarding Sanyo Electric Co., Inc.  
24 (“Sanyo”) (now doing business as Panasonic Corporation) as an indispensable party,  
25 but could not reach an agreement.

26 6. More particularly, in an e-mail dated January 26, 2015, Defendants  
27 informed DCT of its intention to move to dismiss the litigation based on Sanyo's  
28 status as an indispensable party. Decl. of D. James Pak at Ex. 37, ECF No. 91-37.

1 DCT responded to the e-mail informing Defendants that "DCT disagrees with most  
2 everything in [Defendants'] email." *Id.*

3 7. During the parties' telephone conference on January 28, 2015,  
4 Defendants informed DCT of their intention to move to dismiss this action for lack of  
5 standing or, in the alternative, to join Sanyo as a necessary party.

6 8. On the call, Defendants were prepared to explain in detail the basis for  
7 the lack of standing, which would have included the issue of champerty. The parties,  
8 however, concluded that a detailed discussion was not necessary as DCT stated that it  
9 disagreed that it lacked standing.

10 9. At the close of the call, DCT confirmed its agreement that Defendants  
11 fully complied with their duty to meet and confer under L.R. 7-3, even in the absence  
12 of a detailed discussion.

13  
14 I declare under the penalty of perjury under the laws of the United States of  
15 America and the State of California that the foregoing is true and correct and that this  
16 declaration was executed on March 11, 2015 in San Francisco, California.

17  
18  
19  
20 Dated: March 11, 2015

BAKER & MCKENZIE LLP

21  
22 By: /s/ D. James Pak

23 D. James Pak  
24 Attorneys for Defendants  
25 Hyundai Motor America, Hyundai  
26 Motor Company, Kia Motors  
27 America, Inc. and Kia Motors  
28 Corporation